

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

PQ \_\_\_\_\_

IN THE MATTER OF THE GUARDIANSHIP  
PROCEEDING FOR ALFONSO G. SANCHEZ,  
AN ALLEGED INCAPACITATED PERSON.

PETITION FOR TEMPORARY EMERGENCY APPOINTMENT OF GUARDIAN  
AND CONSERVATOR AND APPOINTMENT OF GUARDIAN AND CONSERVATOR

COMES NOW Petitioner, CECILIA SANCHEZ, and states to the Court as follows:

1. Petitioner CECILIA SANCHEZ is interested in this matter as the wife of ALFONSO G. SANCHEZ, the incapacitated person for whom protection is sought. Therefore, Petitioner is an interested person as defined by NMSA 1978, § 45-5-101(I)(1975).

2. ALFONSO G. SANCHEZ, the incapacitated person for whom protection is sought, is 83 years old and resides at 2853 Calle Princesa Juana, Santa Fe, NM 87507, Phone (505) 471-3053. ALFONSO G. SANCHEZ is an incapacitated person within the meaning of NMSA 1978 §45-5-101 (1975), and is under a disability warranting protection by reason of physical illness or disability as a result of Alzheimer's.

3. No one has been appointed temporary or permanent guardian or conservator for ALFONSO G. SANCHEZ.

4. ALFONSO G. SANCHEZ has four (4) children who are:

<u>Name</u>	<u>Address and Telephone Number</u>	<u>Age</u>
ARLENE SANCHEZ	109 Diamond Tail Rd. Placitas, NM 87043	Adult



(505) 867-8228

ALICIA ROBINSON

1023 Provo Court NE  
Albuquerque, NM 87123  
505-974-1332

Adult

PEGGY SANCHEZ

PO BOX 2451  
Española, NM 87532  
(505) 603-8062

Adult

TOMMY SANCHEZ

1704B Llano Street #150  
Santa Fe, NM 87505  
(505) 310-9601

Adult

5. At the present time, ALFONSO G. SANCHEZ lives in his home.

6. ALFONSO G. SANCHEZ is a long-time practicing attorney and was a former Santa Fe, New Mexico District Attorney for twelve years. ALFONSO G. SANCHEZ is currently looking for work as an assistant District Attorney or in Legal Aid and became upset when his personal physician refused to write a letter of recommendation to the DA's office. Petitioner believes that due to Alzheimer's ALFONSO G. SANCHEZ is unable to perform the duties and responsibilities of his profession and should be placed on inactive status by the State Bar of New Mexico.

7. The name and address of the person whose appointment is sought as temporary and permanent guardian and temporary and permanent conservator is CECILIA SANCHEZ, 109 Diamond Tail Rd. Placitas, NM 87043, Phone (505) 867-8228.

8. As far as known to the Petitioner, the property in which ALFONSO G. SANCHEZ has an interest and which is sought to be protected includes Certificates of Deposit, checking and savings accounts, Social Security payments, various items of personal property and real estate, all of unknown amounts. Petitioner believes that because of the physical illness or disability due to Alzheimer's, ALFONSO G.

SANCHEZ is unable to care for himself or manage his property and affairs effectively and that such property may be wasted or dissipated unless proper management is provided. Funds are also needed for the support, care and welfare of ALFONSO G. SANCHEZ and, therefore, protection is necessary to protect and provide such funds.

9. Mr. SANCHEZ is currently spending large amounts of money to create a mega tourist attraction on acreage he and his wife own. He spent \$5,000.00 dollars in June on supplies, purchased a truck which cost more to repair than to purchase a new truck.

10. Mr. SANCHEZ tried to buy a piece of property and told his wife that he had secured an interest-free loan from the bank. When Mrs. SANCHEZ went to the bank, she discovered he had written a check against her credit card.

11. Recently Mr. SANCHEZ went to pick up new glasses and became verbally abusive when told they were not ready. The staff called Mrs. SANCHEZ and asked that he not return or they would call the police. Mr. SANCHEZ is also verbally abusive toward his wife and daughters when they try to talk to him about financial matters.

12. Upon information and belief, ALFONSO G. SANCHEZ has not previously executed a Power of Attorney for health care or financial matters. Petitioner believes that no other person with priority pursuant to NMSA 1978 §§ 45-5-311 (1975) and 45-5-410 (1975) is willing or able to act as guardian and conservator for ALFONSO G. SANCHEZ.

13. ALFONSO G. SANCHEZ's personal physician, Dr. FEN SARTORIUS MD. of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994, has completed a report, which is attached as Exhibit "A" to this Petition. As stated in Dr. SARTORIUS's report,

ALFONSO G. SANCHEZ suffers from Alzheimer's and is not capable of managing his own financial affairs and that Mr. SANCHEZ poses a risk to himself and others and needs a Guardian. Petitioner requests that Dr. SARTORIUS, of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994 be appointed as the Qualified Health Care Professional to examine ALFONSO G. SANCHEZ in connection with this Petition, pursuant to NMSA 1978 §§45-5-407(D) (1975) and 45-5-303 (1989)(D). Petitioner requests that the report of Dr. SARTORIUS be adopted by the Court as the Report of the Qualified Health Care.

14. KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87504, Phone (505) 412-2209, is qualified and willing to serve as Guardian *ad Litem* in this matter.

15. MARY GALVEZ, of GUARDIANSHIP AND CARE MANAGEMENT SERVICES, PO Box 11065, Albuquerque, NM 87192, Phone (505) 480-6541, is qualified and willing to serve as visitor in this matter.

16. Pursuant to NMSA 1978 §45-5-408(A) (1989), Petitioner requests that this Court preserve the property of ALFONSO G. SANCHEZ and ensure that he has proper care while this *Petition for Appointment of Guardian and Conservator* is pending. Petitioner, therefore, requests that this Court appoint Petitioner, CECILIA SANCHEZ, as temporary guardian and temporary conservator while this action is pending. Serious, immediate and irreparable harm to the physical health of ALFONSO G. SANCHEZ, or his estate and financial affairs, or both, will occur if Petitioner is not immediately appointed as his temporary guardian and Petitioner is not immediately appointed as his temporary conservator. Petitioner, therefore, requests that this Court appoint her as temporary guardian and conservator while this action is pending.

WHEREFORE, for all the reasons stated herein, Petitioner prays that:

A. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary guardian of ALFONSO G. SANCHEZ and issue Letters of Temporary Guardianship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;

B. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary conservator of the estate of ALFONSO G. SANCHEZ and issue Letters of Temporary Conservatorship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;

C. The Court order that all financial institutions cooperate with the temporary Conservator by giving her access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate. The Court order that the Conservator have access to all of ALFONSO G. SANCHEZ's financial accounts, including but not limited to the following accounts: Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account;

D. The Court immediately enter an order allowing CECILIA SANCHEZ as Temporary Conservator of the Estate of ALFONSO G. SANCHEZ to take all necessary steps to preserve and protect his financial assets.

E. The Court order the Guardian and Conservator to notify the State Bar that ALFONSO G. SANCHEZ is under guardianship and conservatorship and ask the Bar to put him on inactive status.

F. The Court appoint KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209, as guardian ad litem to represent ALFONSO G. SANCHEZ. Ms. Fitz Gibbon shall thereafter submit her report to the Court, or provide other services as may be required by law;

G. The Court appoint MARY GALVEZ, of GUARDIANSHIP AND CARE MANAGEMENT SERVICES, PO Box 11065, Albuquerque, NM 87192, Phone (505) 480-6541, as visitor for ALFONSO G. SANCHEZ. Ms. Galvez shall thereafter submit a written report to the Court;

H. The Court appoint Dr. FEN SARTORIUS as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of ALFONSO G. SANCHEZ, and accept Dr. FEN SARTORIUS's Report regarding the clinical condition of ALFONSO G. SANCHEZ that is attached as Exhibit "A" as the final Report of the Qualified Health Care Professional;

I. That a hearing on Petitioner's permanent appointment as guardian and conservator for ALFONSO G. SANCHEZ be set by the Court as soon as possible,

J. The Court appoint CECILIA SANCHEZ as guardian and CECILIA SANCHEZ as conservator for ALFONSO G. SANCHEZ, and Letters of Guardianship be

duly issued to CECILIA SANCHEZ and Letters of Conservatorship be duly issued to CECILIA SANCHEZ; and

K. For such other and further relief as this Court deems just and proper.

CECILIA SANCHEZ

Respectfully submitted,

SWAIM & FINLAYSON, P.C.

BY: \_\_\_\_\_

Jeanine R. Steffy  
Attorneys for Petitioner  
4830 Juan Tabo, N.E., Suite F  
Albuquerque, New Mexico 87111  
(505) 237-0064

VERIFICATION

STATE OF NEW MEXICO     )  
  ) ss.  
COUNTY OF BERNALILLO    )

CECILIA SANCHEZ, of lawful age, having been first duly sworn upon her oath, states that she is the above-named petitioner, that she has read and understands the foregoing Petition for Appointment of Guardian and Conservator, that the contents therein are true and correct to the best of her knowledge and belief.

\_\_\_\_\_  
CECILIA SANCHEZ

SUBSCRIBED AND SWORN to before me this   7   day of   April  , 2011, by CECILIA SANCHEZ, who appeared personally and is known to me to be (or proven to me on the basis of satisfactory evidence) the person named in, and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed after first taking a vow of truthfulness on penalty of perjury.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
  
\_\_\_\_\_

S:\CLIENTS\ISAN07251\Petition for Temporary  
Emergency Appointment of G & C.doc



ENDORSED

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

First Judicial District Court

AUG 10 2011

Santa Fe, Rio Arriba &  
Las Alamos Counties  
PO Box 1255  
Santa Fe, NM 87504-2255

IN THE MATTER OF THE GUARDIANSHIP  
PROCEEDING FOR ALFONSO G. SANCHEZ,  
AN ALLEGED INCAPACITATED PERSON.

**ORDER APPOINTING HEALTH CARE PROFESSIONAL, GUARDIAN AD  
LITEM, COURT VISITOR AND TEMPORARY GUARDIAN  
AND CONSERVATOR**

The Petitioner shall request a hearing on the *Petition for Appointment of  
Permanent Guardian and Conservator* filed in the above-entitled matter. Notice  
shall be given pursuant to NMSA 1978 §§45-1-401, 45-5-309 and 45-5-405  
(1978), to all persons entitled thereto.

This Court, having considered the *Petition for Temporary Emergency  
Appointment of Guardian and Conservator and Appointment of Guardian and  
Conservator* pursuant to NMSA 1978 §§45-5-310 and 45-5-408 (a) (1989) and  
for the protection of the person and property of ALFONSO G. SANCHEZ  
pursuant thereto FINDS:

1. Venue is proper in Santa Fe County.
2. The alleged incapacitated person has no guardian or conservator  
previously appointed.
3. The person sought to be protected is in need of care and has property that  
needs preservation and protection for his benefit prior to the appointment  
of a permanent conservator.

EXHIBIT

3

4. Appointment of a temporary guardian and a temporary conservator is necessary because the person sought to be protected is unable to care for himself and his property effectively and since ALFONSO G. SANCHEZ is mentally and physically disabled and is in need of medical attention, serious, immediate and irreparable harm will occur if CECILIA SANCHEZ is not appointed as temporary guardian and temporary conservator until such time as a hearing on permanent appointments can be made.
5. CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 is now the primary caregiver for her husband, ALFONSO G. SANCHEZ, and is an appropriate person competent to serve as temporary guardian and temporary conservator.
6. Any previous powers of attorney should be revoked.
7. Bond is not required due to the relationship of the person sought to be protected and the temporary guardian and conservator.
8. The Court should appoint Dr. FEN SARTORIUS M.D. of 4001 Rodeo Rd., Santa Fe, NM 87507, (505) 471-8994, as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of this individual.
9. Kate Fitz Gibbon of the Law Office of Kate Fitz Gibbon, Esq., 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209 is willing, qualified and should be appointed Guardian *ad litem* to represent ALFONSO G. SANCHEZ.

10. Mary Galvez, of Guardianship And Care Management Services, P. O.

Box 11065, Albuquerque, NM 87192, (505) 942-5551 is willing, qualified

and should be appointed court visitor;

IT IS THEREFORE ORDERED that:

A. **CECILIA SANCHEZ** of 109 Diamond Tail Rd, Placitas, NM 87043, Phone (505) 867-8228 is appointed Temporary Guardian and Temporary Conservator for **ALFONSO G. SANCHEZ** without bond. The temporary guardianship and conservatorship shall continue until a hearing on the matter of permanent appointments is held;

B. **Dr. PEN SARTORIUS M.D.** of 4001 Rodeo Rd., Santa Fe, NM 87507, (505) 471-8994 shall be the Qualified Health Care Professional to report to the Court regarding **ALFONSO G. SANCHEZ**'s clinical condition. Dr. SARTORIUS's report shall be adopted by the Court as the Report of the Qualified Health Care Professional and nothing further will be required by Dr. SARTORIUS for the purpose of this proceeding

C. **Kate Fitz Gibbon** of the Law Office of Kate Fitz Gibbon, Esq., 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209 is appointed Guardian ad litem;

D. **Mary Galvez**, Guardianship And Care Management Services, P. O. Box 11065, Albuquerque, NM 87192, (505) 480-6541 is appointed Court Visitor;

E. The powers of the Temporary Guardian shall include the authority to make placement decisions and mental health treatment decisions for **ALFONSO G. SANCHEZ**, including the authority to approve the administration of

psychotropic medications, and to approve the injection of those medications, should it be in the best interest of ALFONSO G. SANCHEZ as recommended by a physician, and to make those medical decisions necessary to avoid the threat of harm to ALFONSO G. SANCHEZ;

F. The powers of the Temporary Conservator shall include the authority to use the assets of ALFONSO G. SANCHEZ as reasonably necessary to pay for his care;

G. The powers of the Temporary Guardian and Temporary Conservator shall continue until permanent appointment of a guardian and conservator, but no longer than sixty days from the date of the Court's Order;

H. Letters of Temporary Guardianship shall be issued to CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 and Letters of Temporary Conservatorship shall be issued to CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 who shall have the power to act independently on behalf of ALFONSO G. SANCHEZ or his estate without joinder or consent of ALFONSO G. SANCHEZ;

I. Any previous powers of attorney are hereby revoked;

J. The Temporary Conservator shall have access to all financial accounts in which ALFONSO G. SANCHEZ has an interest, whether separate or community.

K. All financial institutions where ALFONSO G. SANCHEZ has a financial interest shall cooperate with the Temporary Conservator and the

Temporary Conservator shall have access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate.

L. Any financial institutions shall recognize the authority of the Temporary Guardian and Conservator and allow CECILIA SANCHEZ access to all financial records and the ability to transact all financial business on behalf of ALFONSO G. SANCHEZ for accounts including but not limited to the following: Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account.

M. The Temporary Conservator shall not sell any assets of ALFONSO G. SANCHEZ without the approval of this Court, and shall only spend funds of the Estate to ensure proper care for ALFONSO G. SANCHEZ and his estate until the hearing on the permanent appointment of a guardian and conservator is held;

N. The Guardian *ad Litem* and the Court Visitor appointed by the Court in this matter, Kate Fitz Gibbon and Mary Galvez shall have access to any and all medical and/or financial information relevant to this person and any provider is hereby authorized to release copies of such records and information to the Guardian *ad Litem* and Court Visitor. The Guardian *ad Litem* or Visitor may sign a release for the purpose of obtaining those records. Disclosure of ALFONSO G. SANCHEZ's medical and financial information in this context shall not subject the disclosing party to liability nor be considered a violation of HIPAA or similar laws.

ORIGINAL SIGNED BY:  
JUDGE BARBARA VIGIL

DISTRICT COURT JUDGE



(505) 867-8228

ALICIA ROBINSON

1023 Provo Court NE  
Albuquerque, NM 87123  
505-974-1332

Adult

PEGGY SANCHEZ

PO BOX 2451  
Espanola, NM 87532  
(505) 603-8062

Adult

TOMMY SANCHEZ

1704B Llano Street #150  
Santa Fe, NM 87505  
(505) 310-9601

Adult

5. At the present time, ALFONSO G. SANCHEZ lives in his home.

6. ALFONSO G. SANCHEZ is a long-time practicing attorney and was a former Santa Fe, New Mexico District Attorney for twelve years. ALFONSO G. SANCHEZ is currently looking for work as an assistant District Attorney or in Legal Aid and became upset when his personal physician refused to write a letter of recommendation to the DA's office. Petitioner believes that due to Alzheimer's ALFONSO G. SANCHEZ is unable to perform the duties and responsibilities of his profession and should be placed on inactive status by the State Bar of New Mexico.

7. The name and address of the person whose appointment is sought as temporary and permanent guardian and temporary and permanent conservator is CECILIA SANCHEZ, 109 Diamond Tail Rd. Placitas, NM 87043, Phone (505) 867-8228.

8. As far as known to the Petitioner, the property in which ALFONSO G. SANCHEZ has an interest and which is sought to be protected includes Certificates of Deposit, checking and savings accounts, Social Security payments, various items of personal property and real estate, all of unknown amounts. Petitioner believes that because of the physical illness or disability due to Alzheimer's, ALFONSO G.

SANCHEZ is unable to care for himself or manage his property and affairs effectively and that such property may be wasted or dissipated unless proper management is provided. Funds are also needed for the support, care and welfare of ALFONSO G. SANCHEZ and, therefore, protection is necessary to protect and provide such funds.

9. Mr. SANCHEZ is currently spending large amounts of money to create a mega tourist attraction on acreage he and his wife own. He spent \$5,000.00 dollars in June on supplies, purchased a truck which cost more to repair than to purchase a new truck.

10. Mr. SANCHEZ tried to buy a piece of property and told his wife that he had secured an interest-free loan from the bank. When Mrs. SANCHEZ went to the bank, she discovered he had written a check against her credit card.

11. Recently Mr. SANCHEZ went to pick up new glasses and became verbally abusive when told they were not ready. The staff called Mrs. SANCHEZ and asked that he not return or they would call the police. Mr. SANCHEZ is also verbally abusive toward his wife and daughters when they try to talk to him about financial matters.

12. Upon information and belief, ALFONSO G. SANCHEZ has not previously executed a Power of Attorney for health care or financial matters. Petitioner believes that no other person with priority pursuant to NMSA 1978 §§ 45-5-311 (1975) and 45-5-410 (1975) is willing or able to act as guardian and conservator for ALFONSO G. SANCHEZ.

13. ALFONSO G. SANCHEZ's personal physician, Dr. FEN SARTORIUS MD. of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994, has completed a report, which is attached as Exhibit "A" to this Petition. As stated in Dr. SARTORIUS's report,

ALFONSO G. SANCHEZ suffers from Alzheimer's and is not capable of managing his own financial affairs and that Mr. SANCHEZ poses a risk to himself and others and needs a Guardian. Petitioner requests that Dr. SARTORIUS, of 4001 Rodeo Rd., Santa Fe, NM 87507 (505) 471-8994 be appointed as the Qualified Health Care Professional to examine ALFONSO G. SANCHEZ in connection with this Petition, pursuant to NMSA 1978 §§45-5-407(D) (1975) and 45-5-303 (1989)(D). Petitioner requests that the report of Dr. SARTORIUS be adopted by the Court as the Report of the Qualified Health Care.

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14. KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87504, Phone (505) 412-2209, is qualified and willing to serve as Guardian *ad Litem* in this matter.

15. MARY GALVEZ, of GUARDIANSHIP AND CARE MANAGEMENT SERVICES, PO Box 11065, Albuquerque, NM 87192, Phone (505) 480-6541, is qualified and willing to serve as visitor in this matter.

16. Pursuant to NMSA 1978 §45-5-408(A) (1989), Petitioner requests that this Court preserve the property of ALFONSO G. SANCHEZ and ensure that he has proper care while this *Petition for Appointment of Guardian and Conservator* is pending. Petitioner, therefore, requests that this Court appoint Petitioner, CECILIA SANCHEZ, as temporary guardian and temporary conservator while this action is pending. Serious, immediate and irreparable harm to the physical health of ALFONSO G. SANCHEZ, or his estate and financial affairs, or both, will occur if Petitioner is not immediately appointed as his temporary guardian and Petitioner is not immediately appointed as his temporary conservator. Petitioner, therefore, requests that this Court appoint her as temporary guardian and conservator while this action is pending.



WHEREFORE, for all the reasons stated herein, Petitioner prays that:

A. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary guardian of ALFONSO G. SANCHEZ and issue Letters of Temporary Guardianship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;

B. The Court immediately enter an order appointing CECILIA SANCHEZ as the temporary conservator of the estate of ALFONSO G. SANCHEZ and issue Letters of Temporary Conservatorship to CECILIA SANCHEZ until such time as a formal proceeding for guardianship and conservatorship can be held by the Court and a permanent guardian and conservator is appointed;

C. The Court order that all financial institutions cooperate with the temporary Conservator by giving her access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate. The Court order that the Conservator have access to all of ALFONSO G. SANCHEZ's financial accounts, including but not limited to the following accounts: Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account;

D. The Court immediately enter an order allowing CECILIA SANCHEZ as Temporary Conservator of the Estate of ALFONSO G. SANCHEZ to take all necessary steps to preserve and protect his financial assets.

E. The Court order the Guardian and Conservator to notify the State Bar that ALFONSO G. SANCHEZ is under guardianship and conservatorship and ask the Bar to put him on inactive status.

F. The Court appoint KATE FITZ GIBBON of the LAW OFFICE OF KATE FITZ GIBBON, ESQ. 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209, as guardian *ad litem* to represent ALFONSO G. SANCHEZ. Ms. Fitz Gibbon shall thereafter submit her report to the Court, or provide other services as may be required by law;

G. The Court appoint MARY GALVEZ, of GUARDIANSHIP AND CARE MANAGEMENT SERVICES, PO Box 11065, Albuquerque, NM 87192, Phone (505) 480-6541, as visitor for ALFONSO G. SANCHEZ. Ms. Galvez shall thereafter submit a written report to the Court;

H. The Court appoint Dr. FEN SARTORIUS as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of ALFONSO G. SANCHEZ, and accept Dr. FEN SARTORIUS's Report regarding the clinical condition of ALFONSO G. SANCHEZ that is attached as Exhibit "A" as the final Report of the Qualified Health Care Professional;

I. That a hearing on Petitioner's permanent appointment as guardian and conservator for ALFONSO G. SANCHEZ be set by the Court as soon as possible,

J. The Court appoint CECILIA SANCHEZ as guardian and CECILIA SANCHEZ as conservator for ALFONSO G. SANCHEZ, and Letters of Guardianship be

duly issued to CECILIA SANCHEZ and Letters of Conservatorship be duly issued to CECILIA SANCHEZ; and

K. For such other and further relief as this Court deems just and proper.

---

CECILIA SANCHEZ

Respectfully submitted,

SWAIM & FINLAYSON, P.C.

BY: \_\_\_\_\_

Jeanine R. Steffy

Attorneys for Petitioner

4830 Juan Tabo, N.E., Suite F

Albuquerque, New Mexico 87111

(505) 237-0064

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VERIFICATION

STATE OF NEW MEXICO       )  
  ) ss.  
COUNTY OF BERNALILLO    )

CECILIA SANCHEZ, of lawful age, having been first duly sworn upon her oath, states that she is the above-named petitioner, that she has read and understands the foregoing Petition for Appointment of Guardian and Conservator, that the contents therein are true and correct to the best of her knowledge and belief.

\_\_\_\_\_  
CECILIA SANCHEZ

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 2011, by CECILIA SANCHEZ, who appeared personally and is known to me to be (or proven to me on the basis of satisfactory evidence) the person named in, and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed after first taking a vow of truthfulness on penalty of perjury.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_

S:\CLIENTS\SAN07251\Petition for Temporary  
Emergency Appointment of G & C.doc

ENDORSED

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

First Judicial District Court

AUG 16 2011

Santa Fe, Rio Arriba &  
Los Alamos Counties  
PO Box 2258  
Santa Fe, NM 87504-2258

IN THE MATTER OF THE GUARDIANSHIP  
PROCEEDING FOR ALFONSO G. SANCHEZ,  
AN ALLEGED INCAPACITATED PERSON.

*included with Petition  
This is also joined.*

**ORDER APPOINTING HEALTH CARE PROFESSIONAL, GUARDIAN AD  
LITEM, COURT VISITOR AND TEMPORARY GUARDIAN  
AND CONSERVATOR**

The Petitioner shall request a hearing on the *Petition for Appointment of  
Permanent Guardian and Conservator* filed in the above-entitled matter. Notice  
shall be given pursuant to NMSA 1978 §§45-1-401, 45-5-309 and 45-5-405  
(1978), to all persons entitled thereto.

This Court, having considered the *Petition for Temporary Emergency  
Appointment of Guardian and Conservator and Appointment of Guardian and  
Conservator* pursuant to NMSA 1978 §§45-5-310 and 45-5-408 (a) (1989) and  
for the protection of the person and property of ALFONSO G. SANCHEZ  
pursuant thereto FINDS:

1. Venue is proper in Santa Fe County.
2. The alleged incapacitated person has no guardian or conservator  
previously appointed.
3. The person sought to be protected is in need of care and has property that  
needs preservation and protection for his benefit prior to the appointment  
of a permanent conservator.

EXHIBIT

3

4. Appointment of a temporary guardian and a temporary conservator is necessary because the person sought to be protected is unable to care for himself and his property effectively and since ALFONSO G. SANCHEZ is mentally and physically disabled and is in need of medical attention, serious, immediate and irreparable harm will occur if CECILIA SANCHEZ is not appointed as temporary guardian and temporary conservator until such time as a hearing on permanent appointments can be made.
5. CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 is now the primary caregiver for her husband, ALFONSO G. SANCHEZ, and is an appropriate person competent to serve as temporary guardian and temporary conservator.
6. Any previous powers of attorney should be revoked.
7. Bond is not required due to the relationship of the person sought to be protected and the temporary guardian and conservator.
8. The Court should appoint Dr. FEN SARTORIUS M.D. of 4001 Rodeo Rd., Santa Fe, NM 87507, (505) 471-8994, as the Qualified Health Care Professional for ALFONSO G. SANCHEZ to report to the Court regarding the clinical condition of this individual.
9. Kate Fitz Gibbon of the Law Office of Kate Fitz Gibbon, Esq., 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209 is willing, qualified and should be appointed Guardian *ad litem* to represent ALFONSO G. SANCHEZ.

10. Mary Galvez, of Guardianship And Care Management Services, P. O.

Box 11065, Albuquerque, NM 87192, (505) 942-5551 is willing, qualified

and should be appointed court visitor.

IT IS THEREFORE ORDERED that:

A. **CECILIA SANCHEZ** of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 is appointed Temporary Guardian and Temporary Conservator for **ALFONSO G. SANCHEZ** without bond. The temporary guardianship and conservatorship shall continue until a hearing on the matter of permanent appointments is held.

B. **DR. PEN SARTORIUS M.D.** of 4001 Rodeo Rd., Santa Fe, NM 87507, (505) 471-8994 shall be the Qualified Health Care Professional to report to the Court regarding **ALFONSO G. SANCHEZ**'s clinical condition. **DR. SARTORIUS**'s report shall be adopted by the Court as the Report of the Qualified Health Care Professional and nothing further will be required by **DR. SARTORIUS** for the purpose of this proceeding.

C. **Kate Fitz Gibbon** of the Law Office of Kate Fitz Gibbon, Esq., 215 West San Francisco St., Suite 202C, Santa Fe, NM 87501, Phone (505) 412-2209 is appointed Guardian ad litem.

D. **Mary Galvez**, Guardianship And Care Management Services, P. O. Box 11065, Albuquerque, NM 87192, (505) 480-6541 is appointed Court Visitor.

E. The powers of the Temporary Guardian shall include the authority to make placement decisions and mental health treatment decisions for **ALFONSO G. SANCHEZ**, including the authority to approve the administration of



psychotropic medications, and to approve the injection of those medications, should it be in the best interest of ALFONSO G. SANCHEZ as recommended by a physician, and to make those medical decisions necessary to avoid the threat of harm to ALFONSO G. SANCHEZ;

F. The powers of the Temporary Conservator shall include the authority to use the assets of ALFONSO G. SANCHEZ as reasonably necessary to pay for his care;

G. The powers of the Temporary Guardian and Temporary Conservator shall continue until permanent appointment of a guardian and conservator, but no longer than sixty days from the date of the Court's Order;

H. Letters of Temporary Guardianship shall be issued to CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 and Letters of Temporary Conservatorship shall be issued to CECILIA SANCHEZ of 109 Diamond Tail Rd., Placitas, NM 87043, Phone (505) 867-8228 who shall have the power to act independently on behalf of ALFONSO G. SANCHEZ or his estate without joinder or consent of ALFONSO G. SANCHEZ;

I. Any previous powers of attorney are hereby revoked;

J. The Temporary Conservator shall have access to all financial accounts in which ALFONSO G. SANCHEZ has an interest, whether separate or community.

K. All financial institutions where ALFONSO G. SANCHEZ has a financial interest shall cooperate with the Temporary Conservator and the



Temporary Conservator shall have access to financial information and the ability to transact business on behalf of ALFONSO G. SANCHEZ or his estate.

L. Any financial institutions shall recognize the authority of the Temporary Guardian and Conservator and allow CECILIA SANCHEZ access to all financial records and the ability to transact all financial business on behalf of ALFONSO G. SANCHEZ for accounts including but not limited to the following: Wells Fargo checking/savings accounts, Discover credit card, Sam's Club credit card, Smith Barney retirement account.

M. The Temporary Conservator shall not sell any assets of ALFONSO G. SANCHEZ without the approval of this Court, and shall only spend funds of the Estate to ensure proper care for ALFONSO G. SANCHEZ and his estate until the hearing on the permanent appointment of a guardian and conservator is held;

N. The Guardian *ad Litem* and the Court Visitor appointed by the Court in this matter, Kate Fitz Gibbon and Mary Galvez shall have access to any and all medical and/or financial information relevant to this person and any provider is hereby authorized to release copies of such records and information to the Guardian *ad Litem* and Court Visitor. The Guardian *ad Litem* or Visitor may sign a release for the purpose of obtaining those records. Disclosure of ALFONSO G. SANCHEZ's medical and financial information in this context shall not subject the disclosing party to liability nor be considered a violation of HIPAA or similar laws.

ORIGINAL SIGNED BY:  
JUDGE BARBARA VIGIL

DISTRICT COURT JUDGE

Respectfully submitted,

SWAIM & FINLAYSON, P.C.

BY:

  
JEANINE R. STEFFY

Attorneys for Petitioner

4830 Juan Tabo, N.E., Suite F

Albuquerque, New Mexico 87111

(505) 237-0064

STUDENT(S) SAN07251 Order Appointing GAL  
Court Visitor QHCP and Temporary C & C

IN ITS DISCRETION, APPOINT SOME OTHER QUALIFIED PERSON AS GUARDIAN AND CONSERVATOR. THE COURT MAY ALSO, IN ITS DISCRETION, LIMIT THE POWERS AND DUTIES OF THE GUARDIAN AND CONSERVATOR TO ALLOW ALFONSO G. SANCHEZ TO RETAIN CONTROL OVER CERTAIN ACTIVITIES.

ALFONSO G. SANCHEZ SHALL ATTEND THE HEARING AND BE REPRESENTED BY AN ATTORNEY. THE PETITION MAY BE HEARD AND DETERMINED IN THE ABSENCE OF ALFONSO G. SANCHEZ IF THE COURT DETERMINES THAT THE PRESENCE OF ALFONSO G. SANCHEZ IS NOT REQUIRED. THE COURT MAY, ON ITS OWN MOTION OR ON REQUEST OF ANY INTERESTED PERSON, POSTPONE THE HEARING TO ANOTHER DATE AND TIME.

DATED: AUGUST 19, 2011

SWAIM & FINLAYSON, P.C.

BY: 

JEANINE R. STEFFY

Attorneys for Petitioner  
4830 Juan Tabo, N.E., Suite F  
Albuquerque, New Mexico 87111  
(505) 237-0064

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT COURT

NO. D101 PQ 2011-36

IN THE MATTER OF THE GUARDIANSHIP  
PROCEEDING FOR ALFONSO G. SANCHEZ,  
AN ALLEGED INCAPACITATED PERSON.

NOTICE OF HEARING

TO: ALFONSO G. SANCHEZ AND TO  
WHOMEVER ELSE IT MAY CONCERN:

ON SEPTEMBER 29, 2011 AT 1:30 P.M. IN THE SANTA FE COUNTY  
COURTHOUSE, AT SANTA FE, NEW MEXICO, THE HONORABLE JUDGE  
BARBARA VIGIL AT THE FIRST JUDICIAL DISTRICT COURT, LOCATED AT 100  
CATRON STREET, SANTA FE, NEW MEXICO, WILL HOLD A HEARING TO  
DETERMINE WHETHER A GUARDIAN AND A CONSERVATOR SHOULD BE  
APPOINTED FOR ALFONSO G. SANCHEZ. THE PURPOSE OF THIS  
PROCEEDING IS TO APPOINT A GUARDIAN AND CONSERVATOR. A COPY OF  
THE PETITION REQUESTING APPOINTMENT OF A GUARDIAN AND A  
CONSERVATOR IS ATTACHED TO THIS NOTICE.

AT THE HEARING THE COURT WILL DETERMINE WHETHER ALFONSO G.  
SANCHEZ IS IN NEED OF A GUARDIAN AND CONSERVATOR, THE COURT AT  
THE HEARING SHALL ALSO CONSIDER WHETHER CECILIA SANCHEZ SHOULD  
BE APPOINTED AS GUARDIAN OF ALFONSO G. SANCHEZ. THE COURT AT THE  
HEARING SHALL ALSO CONSIDER WHETHER CECILIA SANCHEZ SHOULD BE  
APPOINTED AS CONSERVATOR OF ALFONSO G. SANCHEZ. THE COURT MAY,

EXHIBIT

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

THE COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

ALL PARTIES ENTITLED TO MAILED NOTICE:

*No Alfonso B. Sanchez! not noticed?*

JEANINE R. STEFFY  
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ARLENE SANCHEZ  
109 Diamond Tail Rd.  
Placitas, NM 87043

ALICIA ROBINSON  
1023 Provo Court NE  
Albuquerque, NM 87123

PEGGY SANCHEZ  
PO Box 2451  
Española, NM 87532

TOMMY SANCHEZ  
1704B Llano Street #150  
Santa Fe, NM 87505

*my G.H. where was she*  
✓ KATE FITZ GIBBON  
215 West San Francisco St., Suite 202C  
Santa Fe, NM 87501

MARY GALVEZ  
GUARDIANSHIP AND CARE  
MANAGEMENT SERVICES  
PO Box 11065  
Albuquerque, NM 87192

DR. FEN SARTORIUS  
4001 Rodeo Rd.  
Santa Fe, NM 87507

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ALL PARTIES ENTITLED TO MAILED NOTICE:

*No Alfonso N. Sanchez not noticed?*

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